

SENATE BILL 352

Unofficial Copy  
E1

2003 Regular Session  
(3r1024)

**ENROLLED BILL**  
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Green, Jacobs, Conway, Dyson, Forehand, Grosfeld,  
Haines, Jimeno, Kelley, Kramer, and Lawlah Lawlah, and Garagiola**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law - Stalking - Included Acts**

3 FOR the purpose of ~~repealing~~ clarifying a certain intent element in the crime of  
4 stalking; ~~modifying a certain defined term; excluding certain lawful activities~~  
5 ~~from a certain crime; modifying a certain defined term;~~ requiring that a certain  
6 person know or reasonably should have known that certain conduct would place  
7 another in reasonable fear of serious bodily injury, death, or of certain offenses  
8 being committed under certain circumstances, or that a third person is likely to  
9 suffer serious bodily injury, death, or certain offenses; ~~establishing that the~~  
10 ~~crime of stalking is a felony; giving the District Court and circuit court~~  
11 ~~concurrent jurisdiction to try stalking cases; modifying a certain defined term;~~  
12 and generally relating to the definition of the crime of stalking.

13 BY repealing and reenacting, with amendments,  
14 Article - Criminal Law  
15 Section 3-802

1 Annotated Code of Maryland  
2 (2002 Volume)

3 ~~BY repealing and reenacting, with amendments,~~  
4 ~~Article—Courts and Judicial Proceedings~~  
5 ~~Section 4-301(b)(17) and (18) and 4-302(d)(1)~~  
6 ~~Annotated Code of Maryland~~  
7 ~~(2002 Replacement Volume)~~

8 ~~BY adding to~~  
9 ~~Article—Courts and Judicial Proceedings~~  
10 ~~Section 4-301(b)(19)~~  
11 ~~Annotated Code of Maryland~~  
12 ~~(2002 Replacement Volume)~~

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Criminal Law**

16 3-802.

17 (a) ~~(1)~~ In this section, "stalking" means a malicious course of conduct that  
18 includes approaching or pursuing another [with the intent to place that individual]  
19 WHERE THE PERSON INTENDS TO PLACE OR KNOWS OR REASONABLY SHOULD HAVE  
20 KNOWN THE CONDUCT WOULD PLACE ANOTHER in reasonable fear ~~OF~~ OF:

21 ~~(1)~~ ~~(1)~~ ~~1~~ ~~[of] serious bodily [injury] HARM;~~

22 (1) (I) [of] serious bodily injury;

23 ~~(2)~~ ~~2~~ ~~OF~~

24 (II) AN ASSAULT IN ANY DEGREE;

25 ~~(3)~~ ~~3~~ ~~OF A~~

26 (III) RAPE OR SEXUAL OFFENSE AS DEFINED BY §§ 3-303 THROUGH  
27 3-308 OF THIS ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE;

28 ~~(4)~~ ~~4~~ ~~OF~~

29 (IV) FALSE IMPRISONMENT; or

30 ~~(5)~~ ~~5~~ ~~OF~~

31 (V) death; or



1                   (i)       In which the penalty may be confinement for 3 years or more or  
2 a fine of \$2,500 or more; or

3                   (ii)       Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),  
4 (10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle.

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
6 effect October 1, 2003.